
Governor's Small Business Regulatory Review Board

September 8, 2008

Secretary Karen Timberlake
Department of Health Services
1 West Wilson Street
Madison, WI 53703

Re: HS 101-108 – Medicaid Reimbursement Administrative Rule

Dear Secretary Timberlake:

Wisconsin 2004 Act 145 created the Small Business Regulatory Review Board (SBRRB) to serve as a voice for small businesses as defined in Wis. Stats. 227.114(1). The SBRRB's statutory authority for review of existing administrative rules is contained in Wis. Stats. 227.30. This rule review authority provides that the SBRRB may review rules and guidelines to determine whether those rules or guidelines place an unnecessary burden on the ability of small business to conduct their affairs. The SBRRB received testimony from small businesses that provide transportation to medical assistance recipients at their August 27, 2008 meeting. As Chairman of the Small Business Regulatory Review Board, I am submitting the outcome of the SBRRB's review at that meeting.

The SBRRB received testimony and supporting documentation from representatives of the Specialized Medical Vehicle (SMV) industry about the reporting and compliance requirements contained in the Medicaid reimbursement administrative rules. Five concerns emerged in their testimony that included:

- 1) unloaded mileage requirements
- 2) loaded mileage requirements
- 3) multi-carry reimbursement
- 4) trip verification documentation requirement
- 5) certification of need for economic impacts of the rule on training providers

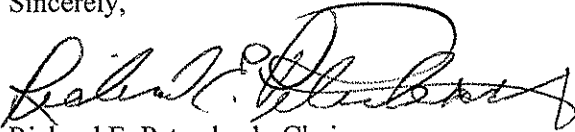
The SMV industry provided the SBRRB with numerous examples of economic obstacles and barriers that small business experience resulting from the existing rules. Industry representatives have suggested to the SBRRB that the cumulative affect of this rule with other regulations that already govern their industry place a significant economic burden on their ability to conduct business. Based on testimony presented by the SMV industry, it appears that technology, economic conditions and other factors have changed within the industry and the existing rule has not kept current with these changes.

Unfortunately, the department did not have a representative at the meeting to address the specific questions that members of the SBRRB had concerning the department's ability to address the

concerns of the SMV industry. Therefore, the consensus of the SBRRB was to request the department's attendance at an upcoming October meeting at which time the industry concerns can be better addressed by the department. The Department of Commerce Small Business Ombudsman will schedule the October meeting and will be requesting attendance of department staff and interested SMV businesses and their representatives.

In summary, the SBRRB looks forward to bringing both the regulating authority and these small business representatives together to address the regulatory barriers contained in the existing administrative rule. The SBRRB is confident that the outcome of the October meeting will provide the SBRRB with a more clear recommendation which they may provide to the Joint Committee for Review of Administrative Rules and the department on how regulatory relief can be achieved for these small businesses.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard E. Petershack", written over a horizontal line.

Richard E. Petershack, Chairman
Governor's Small Business Regulatory Review Board

Cc: Rea Holmes, DHS Executive Assistant
Jason Helgeson, Director, Division of Health Care Access and Accountability
Pat Cooper, DHS Small Business Regulatory Review Board
Rosie Greer, DHS Small Business Regulatory Review Coordinator